

Reviews of American Samoa and Tuvalu are not included in this issue.

THE COOK ISLANDS, JULY
1992 TO JUNE 1994

Political highlights of the two years under review included debates about the swelling government debt, highly critical audit reports, the extent of ministerial travel, and allegations of tax fraud and other malpractice in relation to the tax haven (politely known as the International Finance Centre), which enabled the New Zealand *National Business Review* to earn a bonanza from a three-part series advertised with a heading ten inches high promising on-the-spot investigative reporting about “illegal tax rorts, political corruption and [government] hotel construction cost blow-outs” in the “Crook Islands.” Although these and other issues were the source of much gossip, more important for most voters were the spin-off benefits (or costs) of these activities for them personally.

In the early stages, massive debt creates a buoyant economy with more employment than ever before, explaining why government debt, in the Cook Islands as elsewhere, tends to be unpopular in principle but popular in practice. Overborrowing is a process of stealing from one's children and grandchildren, who are left with the obligation to pay back the loans. Neither governments nor voters worry much about that until it is too late, and the Cook Islands is no exception.

The government hopes (don't all

governments?) that the debt will generate such high income that repaying it will be no problem. That is not going to happen, but it is possible that much the biggest and most controversial debt—that for the government-owned hotel known as the Sheraton (because it is hoped that Sheraton will manage it for the government)—might shrink. The loan came from Italy, guaranteed by the Italian government in order to promote Italian construction, but the Italian construction company is now in liquidation, its president indicted for Mafia activities, and the Cook Islands may not be obliged to pay back more than they have already paid (although this seems to be much more than the value of what has so far been done). Accusations and counteraccusations bounce off the empty shell of the hotel, which has only ever accommodated some escaped prisoners.

The government also hopes that a big bonanza will wipe out all debt and leave the Cook Islands floating in money for decades to come. This is a possibility, but how realistic is too early to know, though not too early for the possibility to affect current politics. What is known is that on the sea floor around the northern atolls, lie probably the richest deposits of cobalt, manganese, and other minerals, including some rare and very valuable ones, so far discovered in the world. The technology to lift them exists, but both that and the techniques of processing the material must be refined before exploitation will be economic. Some people feel that is decades away,

but other equally knowledgeable people think the basic breakthrough has been made and operationalizing it is imminent. Foreign firms are showing interest, though no one knows whether the process will be economic or who will get what shares of any benefit, or what the environmental, social, and other consequences will be. Meanwhile, the possibility influences the thinking of the public and the risk-taking behavior of politicians.

The twin engines of tourism and pearl culture generated growth in both the economy and employment during the two years under review. Tourism has been booming at a time when it has been relatively stagnant in most Pacific Islands countries. The political consequences of this growth (from 33,882 visitors in 1990 to 52,800 in 1993 and still growing) are as important as the economic and social impacts. The Cook Islands now has nearly three visitors per head of population, which is much the highest in the South Pacific (nine times the density of Fiji and five times the density of French Polynesia, which used to have the highest densities).

Cultured pearls now earn much more than all other exports together—another radical change that has also affected the location of wealth. Rarotonga used to have a very much higher per capita income than the outer islands, but now Manihiki, where the pearls are cultured, has vastly higher levels—though an amazing amount of it is consumed as alcohol. The largest new developments are of pearl culture on the neighboring atolls of Penrhyn (Tongareva) and Suwarrow, with some hope for the other atolls to enter this

field. Exotic lagoon and reef products also offer potential opportunities.

Many Cook Islanders were attracted back home by the long economic boom (an average growth in gross domestic product of 6.3 percent per year from 1983 to 1993—much higher than any other country in the region). This gave the Cook Islands by far the highest per capita income (US\$3900 per year) among Pacific Islands members of the South Pacific Forum, with the exception of Nauru. The Cook Islands level is now about eight times that of Tonga and Samoa, five times that of Papua New Guinea, and double that of Fiji. The academic world still regards what it calls the “small, resource-poor” countries of the Pacific as basket cases that can survive only with massive infusions of foreign aid (of which the Cook Islands gets relatively little these days, and which continues to decline as a proportion of government revenue). Most of academia still sees Papua New Guinea and Fiji as the only hopeful prospects, having not yet caught up with the fact that in the modern world initiative, skill (such as pearl culture), invisibles (such as tax havens and numismatics), and charm (as in tourism), are much more important than things in the ground.

The attraction to return home was reinforced by the economic downturn in New Zealand and Australia—where growth rates averaged about 1 percent per year for the same decade (and whence government officials and academics talk down to the Cook Islands about how to create economic growth). The downturn in New Zealand and Australia was accentuated

ated by a considerable loss of average earning power among the lower skill categories where most Cook Islanders were employed. Many who returned brought savings with them, and much of that has gone into a boom in home-building. A further incentive was that the New Zealand government agreed in 1993 to allow Cook Islanders who were receiving old-age pensions in New Zealand to be paid those pensions in the Cook Islands. These forces led to the biggest increase in population in the Cook Islands since the international airport was opened in 1974—the mid-1994 estimate of the national population is 22,286.

All these developments provided a propitious climate for business, and in the ten years from 1992 the number of registered companies nearly trebled (from 458 to 1217).

With a long period of unprecedented economic prosperity, more employment than ever, and more new things happening than ever, this was the perfect time for any government to go to the polls—especially as the boom was already over, but most voters did not realize that, and any awareness of it had been diluted by a “generous” pay raise, with back pay for the public service, which is much the largest employer.

The election of 24 March 1994 resulted in an apparent landslide victory for Sir Geoffrey Henry and his Cook Islands Party, increasing its majority from 18 to 20 of the 25 seats. Of the remaining 5, the Democratic Party won 3 and the Alliance 2. A by-election is to be held for the Rakahanga seat, but the outcome cannot change the overall picture much. The

extent of the victory could easily be misunderstood, because had the opposition remained united, the Cook Islands Party would have lost, having won most votes in only 12 of the 25 seats. Despite all the mayhem in the opposition, and the inadequacies of its leadership, the Cook Islands Party won only 54 percent of the votes cast.

The focus was on leadership more than issues, but only two of those on center stage were party leaders. Sir Geoffrey Henry was sitting comfortably on his throne, and Norman George of the newly formed Alliance Party was on the other side of the ring with a baseball bat to knock him off it, if he could not be dislodged with pushing, tugging, and spitting of fire. The third prima donna was Vincent Ingram, a sort of Lord High Everything Else. Although not a candidate himself this time, he was a prominent personality in the election—most prominent in areas where the public was losing large sums of money, though indications are that Mr Ingram was not! As another earlier unsuccessful aspirant to leadership of the Democratic Party, Vincent Ingram headed the two-man breakaway Demo Tumu Party that has cooperated with the Cook Islands Party in the past five years.

Vincent Ingram's power derived from the previous (1989) election, when the Cook Islands Party won only 12 of the then 24 seats and was enabled to govern by the two Demo Tumu members agreeing to “generally” support it. As their support was never guaranteed, and they declined a coalition, they were in a very strong position, particularly after they

declined cabinet posts in favor of such more lucrative alternatives as heading State Owned Enterprises. With many Democratic members of parliament going over to the government more recently, Ingram's support was no longer crucial. With his own standing reduced in his electorate and beyond, he wisely decided not to contest this election, and was appointed to a newly created post as high commissioner for the Cook Islands in Australia.

The Democratic Party was hardly seen or heard. It had been steadily disintegrating since 1987, when, in a coup one dark night, his "colleagues" ousted Sir Tom Davis as their leader and prime minister for the previous nine years. Because they had no one of his caliber to replace him, they could only hold office for the remaining year and a half of the parliamentary term. Following Sir Tom's demise, the Democratic Party had been led by two kindly doctors, first Dr Pupuke Robati (who became prime minister when Sir Tom Davis was deposed, but lost the next election), and then by Dr Terepai Maoate. As community leaders both are much respected, but top-level national politics is not the forte of either. They reluctantly came to that conclusion too, and at the last minute asked Sir Tom Davis to rejoin the party and lead it.

Sir Tom was 76 and, though still very active, had been out of politics for seven years and had turned his attention to reconstructing the past. He published a comprehensive autobiography (*Island Boy*) and a long historical novel (*Vaka*) based on the traditions of the canoe on which his mother's clan had come to the Cook

Islands from Samoa eight hundred years earlier. He then designed and built a replica of that canoe over a period of three years, largely with his own hands, and sailed it to Tahiti and other islands. He was just completing another historical novel about Polynesia, and was about to set sail for Tonga and New Zealand, when the party begged him to return and lead them. He made it clear that he was not keen to go back into politics but felt he could not refuse, though he told the party that they would have to do the campaigning. Very little was done by them or him; they all knew it was a lost cause.

Although the Cook Islands Party had begun the five-year parliamentary term without a majority, one by one the Democrats crossed the floor to join it, pulled by offers of various perquisites, and pushed by internecine wrangling in their own party. The remnant split, with Norman George, who also failed in his bid for the leadership of the Democrats, setting up the Alliance Party.

The election was characterized by revelations of scandals, allegations, and counter-allegations, highlighted by a black-covered *Book of Shame*, in which Mr George exposed cover-ups in relation to the new government hotel deal, excessive ministerial travel, nepotism and political favoritism, unauthorized expenditures, and irresponsible financial management. The accusations would have carried more weight were it not that most voters regarded Mr George as the worst offender in these activities when he was a leading minister. For example, a counter-advertisement noted that as a minister

during the four years 1985 to 1988, Norman George had cost the taxpayers CI\$356,263.28 in official travel costs. The public also knew that George's own financial management was in tatters as his business ventures collapsed one after the other.

On the Cook Islands Party side, Sir Geoffrey Henry has been innovative, energetic, and politically astute. He needed to be, because those qualities were not over-apparent elsewhere in his party.

This election had many unique features. It was the first to involve television, and Sir Geoffrey Henry, as a master orator skilled in the political use of television, won that war handsomely. Moreover, the television service is government owned and funded month by month; if the employees are not "fair" to the government in their reporting and time allocations, they know what is likely to happen to next month's budget. Norman George won the newspaper war (it is a private newspaper) with bold, brash, eye-catching advertisements exposing all the sins the government had, or might have, committed, and promising a government of pristine virtue instead.

Television seems to have reduced the extent of village meetings, which had been the focus of electioneering, and songs, specially composed for each election, were not nearly such a feature as in earlier years.

Another unique feature of the 1994 election was the first referendum ever held, on five questions. Although it was generally appreciated that the government put these questions to the public rather than deciding them, only 60 percent of those eligible voted in the

referendum, which was held at the same time and place as the election, in which 86 percent voted. The answer to all five questions was to maintain the status quo.

One question was whether to change the name of the Cook Islands to an indigenous name, which Sir Geoffrey Henry and the Cook Islands Party favored—with the name *Avaiki* as the most likely choice. Being widely scattered, the islands had no single identity and no common name before the 1800s. The Russian cartographer Krusenstern, sitting in St Petersburg more than a hundred years ago, found no name had been recorded for this cluster of dots on his map, and, being an admirer of Cook (who was *not* the first outsider to visit those islands, and who did not know that Rarotonga or many of the other islands existed), wrote "The Cook Islands." The name seems to have stuck, in the meantime at least, for it received 3984 votes, while a change received only 1723. However, the total of the two amounts to only half of the eligible voters, so many seem to remain uncommitted.

Another question was whether to change the flag from its present blue and white design, which won the competition for a flag, set by Sir Albert Henry, the first premier, and judged by a committee. Henry accepted the design, but changed the colors to those of his political party—green and gold. When the Democratic Party took power they reverted to the original winning flag, and the contention has gone on since. Although no party officially supported any position in the referendum, most Cook Islands Party activists advocated change, but it did

not come. The present flag "won," though it received only 2805 votes to 2548 for its "opponent." For the sake of national cohesion, we hope the flag issue is now settled.

The vote on the national anthem reflected a similar dispute. The present anthem was selected by another committee set up by Sir Albert Henry, but they did not know who composed the entries. After they had selected the present one, it was found to have been composed by the then leader of the opposition Dr (now Sir) Tom Davis and his wife Pa Tapaeru Ariki. Some Cook Islands Party members feel it is associated with Sir Tom's political party. Unlike the flag, however, the anthem has not been a significant issue, and the present one, which is popular, won by 4623 votes to 1141.

The Cook Islands is unique in the world in that it has one electorate that is the whole world *minus* the Cook Islands. Called the Overseas Seat, it was set up to ensure that Cook Islanders abroad (and that is two thirds of them) would have some say in affairs back home, but a minor say. However, most of those abroad are not eligible to vote, because only those who have been home for an extended period within three years of the election can vote. The referendum decided to keep this seat by a comfortable margin of 3322 to 2554.

The last item in the referendum was the term of parliament. The prime minister favored the present five years, and got it, but only by putting three options on the ballot. Had he put two—the present five years or a shorter term—the voters would have opted for the shorter term by a big

margin, for a total of 3566 voted for a shorter term (either three or four years), and only 2559 for the longer term.

After the election, the economic slowdown became apparent. Many in the business community also feared that the government was about to unlink the Cook Islands dollar from the New Zealand dollar and that the Cook Islands dollar would drop in value. The prime minister gave an assurance that this was not being contemplated, but not all accepted that assurance, and the extent of the debt led to a lack of business confidence. Some NZ\$5 million (a lot of money for a population of 20,000 on modest incomes) left the country, causing a severe constraining of credit by the two commercial banks, which is likely to continue until 1995.

At the previous election there had been some pressure for women members, but few stood and none was elected. The 1994 election was going to be the time. But the pattern was repeated.

The social concomitants of the rapid economic and political changes have not been studied, but they are considerable. On the negative side they include the spate of arson attacks on government organizations and individuals; the massive increases in vandalism, vagrancy, juvenile crime, and domestic violence; and a boom in such life-style diseases of recent urbanization as diabetes, heart problems, sexually transmitted diseases, obesity, and malnutrition. Positive changes include substantial rises in higher education, skilled employment, indigenous business enterprise, the creative arts, and in

Cook Islands contributions to the Pacific region and beyond on a variety of cultural, economic, and political fronts. An exciting era lies ahead.

RON AND MARJORIE CROCOMBE

FRENCH POLYNESIA

In 1994 the French Pacific Testing Centre entered its thirtieth year. Since its installation the center has played a central role in French Polynesia's economy. The last French nuclear test was held at Moruroa in July 1991, before a moratorium was declared in April the following year. The quest for alternative sources of income in view of a prospective permanent shutdown of the test program continues to be a priority for the territorial government. The year 1994 also marked the tenth anniversary of internal autonomy but, apart from a new development plan concluded with Paris, there appeared to be little to celebrate by the end of the review period. The government, as often in the past, was beset by allegations of corruption against its leading figures. In addition, Pape'ete was plagued by an environmental crisis brought on by the closure of the main rubbish incinerator serving the greater urban area.

Although the future of French testing remains unclear, there have been signs of progress toward a comprehensive test ban treaty. Testing by nuclear powers other than China was phased out between October 1990 (last Soviet test) and September 1992 (last US test). In 1994 negotiations over a comprehensive ban proceeded in Geneva with the aim of producing a draft

treaty by 1995. President Clinton committed the United States to extending its moratorium until at least September 1995. President Mitterrand proclaimed an indefinite extension of the French testing moratorium in January 1993. Later that year he went one better when he announced on French television that "France will not recommence the nuclear tests as long as I am here," but this promise could expire along with Mitterrand's mandate in May 1995.

Prime Minister Balladur, in a debate in the French parliament in May 1994, reserved France's right to resume testing. The French defense minister, members of the ruling coalition, and an influential section of the armed forces are concerned about the potential impact of a permanent test ban on the maintenance and modernization of France's nuclear deterrent. They have not as yet been persuaded that computer-simulated tests would be an adequate substitute for explosions at Moruroa. China presents another stumbling block for a comprehensive ban, as it has conducted three tests in defiance of the global moratorium since September 1992. There are fears that France may use the Chinese tests as a pretext for further tests of its own. Despite these obstacles and delays, there appears to be an inexorable move toward a comprehensive test ban treaty, which both China and France support in principle, in part because of concerns about nuclear proliferation. Testing in French Polynesia seems destined to be short-lived, if it resumes at all.

Since the French test moratorium was announced in April 1992 the

Tahitian government has worked on the assumption that the testing era is over. It has spent one and a half years negotiating the terms of a ten-year development plan, the Pact for Progress, to be co-funded by Paris. In January 1994 the *Loi d'Orientation* or law governing the pact was finally approved by the French National Assembly and Senate; it committed France to providing extra funding, beyond its ongoing expenditure in the territory, of 44 billion French Pacific francs (FCFP) in the first five-year period covered by the pact (ie, 8.8 billion FCFP per year). In addition, the state and territory signed a five-year Contract for Development in May 1994, under which the two parties will make equal contributions to a 52 billion FCFP investment plan for the territory.

The Pact for Progress is to compensate for the loss in revenue incurred by the government as a direct result of the suspension of testing. The development plans are also designed to partly compensate for the moratorium's indirect effects on the economy and to promote alternative economic development. French financial assistance appears generous, but it pales when one considers that in 1990 alone, when the French Pacific Testing Centre was still operating, the Defense Ministry contributed 38 billion FCFP or 35 percent of the territory's total external income. Nevertheless, the president of the territorial government, Gaston Flosse, has expressed satisfaction with the deals struck in Paris.

The government in Tahiti has been far from pleased, however, with the French justice system's dogged investi-

gation of corruption cases implicating leading members of the governing coalition. Jean Juventin, deputy to the National Assembly and president of the Territorial Assembly, was already under investigation for his alleged abuse of office in two shady deals. One concerned alleged acceptance of bribes from a Japanese investor for approving the Opunohu golf-hotel condominium on Moorea, a project that was subsequently aborted. The other related to a possible conflict of interest when Juventin was president of the Tamara'a Nui Company. Juventin is standing bail for one of these charges. In January 1994, a local underworld figure, Mr Li Lem, also known as Hombo, made a startling public confession on the radio. He alleged that both Juventin and Flosse had allowed his illegal casinos to operate in return for generous kickbacks to fund their respective political parties. Flosse has appeared in court in Paris to answer questions about this case, and, curiously, neither of the accused has publicly refuted the allegations. Former President Léontieff is still under investigation in two cases of alleged corruption.

High-ranking political figures aside, French courts also clamped down on corruption at lower levels. In the period under review at least one mayor's election was annulled because of irregularities, and two other mayors were convicted of electoral fraud, for which they received suspended sentences, fines, and withdrawal of their civic rights. A number of other outstanding cases, not involving corruption, were resolved by the courts. In October 1993, Emile Vernaudon, former president of the Territorial

Assembly, was finally convicted for blockading the assembly building and preventing its function for eighty days in early 1992. He incurred a fine of 900,000 FCFP. In December 1993, three men, who were members of the presidential security service at the time of their crimes, were convicted for raiding documents from no less than fourteen safes, including two owned by politicians. One of the defendants, the former head of the security service, continued to draw a hefty salary from the presidency throughout the trial period. Finally, numerous businessmen and heads of semi-public companies have been convicted of various forms of corruption for personal enrichment.

These trends suggest that the French judicial authorities are becoming more serious now than in the past about preventing or prosecuting abuse of public office. The change in attitude can be attributed to two factors: First is popular concern about the issue expressed in both the 1992 Development Charter's conclusions and in a series of public demonstrations held in Pape'ete against official corruption. Second, the French state requires more rigorous accounting for its expenditures in French Polynesia, in view of the escalating cost of subsidizing the territorial administration and worsening economic circumstances on the domestic front.

In early 1994, the waste-disposal crisis resulting from the closure of the Tamara'a Nui rubbish incineration plant, which had experienced difficulties since its inception in 1991, assumed nightmarish proportions for the territorial government. Three main

factors contributed to the debacle. First, the technology for the plant was flawed from the beginning, so it was unable to cope with the volume and type of waste disposal required of the urban municipalities it serviced. Second, contrary to initial expectations, not only did the company fail to make a profit from by-products of energy generation and compost, but it incurred significant financial losses; these must be borne by the public because its principal shareholders were the territorial and municipal governments. Finally, the poor choice of site and the plant's frequent malfunctioning led to a number of environmental problems, including an unsightly 80-metre-high smoking mountain of waste and the emission of airborne pollution that engulfed the narrow valley encompassing the densely populated suburb of Tipaerui. These problems stemmed from hasty decisions and inadequate impact studies at the outset. Allegations over corrupt practices by the management are being investigated.

The Tamara'a Nui crisis came to a head at the end of 1993, in part because of a vociferous campaign by local residents and environmentalists in favor of the plant's closure. The then environment minister, Maco Tevane, submitted to the pressure and closed the plant just before Christmas, until such time as it could conform to environmental and planning regulations. The Faaa municipal government agreed to dispose of Pape'ete's waste at its dump in the interim, but after two months refused to take any more rubbish. To the horror of the public, the Pape'ete town council then turned to

burying the waste in l'Uranie cemetery. In March the Tamara'a Nui staff were dismissed, and in May the company was declared insolvent. With its troubled history and ongoing community opposition, the plant is unlikely ever to reopen. The greater urban area is faced with a long-term waste-disposal problem, and an acceptable solution has yet to be found. This problem is not unique to Tahiti; governments throughout the Pacific Islands have cited waste disposal as one of their greatest environmental concerns.

Tamara'a Nui is but one in a long and depressing history of semi-public enterprises that have collapsed, due to incompetent and possibly corrupt management, at great financial cost to the government. Many such cases have also constituted a political embarrassment because leading politicians were acting as presidents of the companies concerned.

In party politics the main development was a major rift in Here Ai'a, which is the junior partner in the governing coalition. Jean Juventin has led this party since 1983, and dissatisfaction with the direction the party has taken has been growing. Here Ai'a's once-radical agenda has been significantly toned down, particularly its antinuclear policy. By 1990, Juventin had shifted to the position of other mainstream parties, saying that the French Pacific Testing Centre was an economic necessity. This was quite a turnaround for a party whose former leader, John Teariki, was for two decades the most committed and vocal critic of the nuclear tests. Little resemblance can now be seen between Here Ai'a's program and that of its political

antecedent, the nationalist *Rassemblement Démocratique des Populations Tahitiennes* of Pouvanaa a Oopa. Consequently, in the past decade several leading members of Here Ai'a were either expelled or left voluntarily. In early 1992, Here Ai'a's vice-president, François Nanai, defected and set up his own party. He believed that Here Ai'a had betrayed the Pouvaniste heritage by joining a coalition government with their oldest conservative adversary, the Tahoeraa party of Flosse.

In May 1994 seven members of Here Ai'a were expelled for their opposition to Juventin, including two ministers and three territorial councillors. This time the reason for party disenchantment with Juventin was increasing unease over the numerous corruption cases in which he was implicated and the realization that the party was losing popularity as a result. This led to party dissidents refusing to vote for Juventin's reelection to the presidency of the Territorial Assembly. They agreed to vote for him once Juventin said that he would stand down a few months later in favor of a long-standing leadership aspirant in Here Ai'a, Milou Ebb. Juventin made this deal in anticipation that legal restrictions on the accumulation of elected office be relaxed enabling him to retrieve his former office of mayor of Pape'ete while retaining his position as deputy to the National Assembly. When this legal change did not eventuate Juventin reneged on his promise to step down from the presidency and expelled the dissidents.

One of the Here Ai'a rebels, Minister for Social Affairs Raymond Van Bastolaer, was greatly valued by the

president of the government, Gaston Flosse. Despite Juventin's demand that he sack Van Bastolaer, Flosse refused. The latest purge has undermined party solidarity and will exacerbate the steady decline in Here Ai'a's public image and electoral fortunes.

The tenth anniversary of internal autonomy was celebrated by the government on 29 June 1994, although few members of the public were on hand, and representatives of the state were notably absent from the ceremony. The high commissioner boycotted the proceedings because of a perceived slight in protocol. President Flosse had decided that the territory's national anthem would henceforth be sung last on territorial occasions instead of the Marseillaise. This move was similar to Flosse's unilateral decision while hosting the Pacific Island Conference in June 1993, when he referred to the territory as Tahiti Nui instead of French Polynesia. To the irritation of the French government, Flosse has also been campaigning for French Polynesia to be granted observer status at the South Pacific Forum. These nationalistic gestures are, however, symbolic and do not indicate a change in the president's position on political status.

Flosse's attitude was confirmed in a media interview when he said there was nothing to be gained by acceding to independence in association, much less sovereign independence, in the foreseeable future. He reiterated that economic autonomy was a prerequisite for full political autonomy and that his government's energies would be focused on developing the economy. Yet, he did bemoan the fact that the

state Administrative Tribunal has applied a particularly restrictive interpretation to powers granted under the statute, often ruling against actions by the government. For this reason, he saw a need to improve the terms of the statute so that the territorial government could enjoy the full scope of autonomy without interference from the state.

KARIN VON STROKIRCH

References

Tahiti Pacifique

La Dépêche de Tahiti

HAWAIIAN ISSUES

The attainment of some form of sovereignty continues to be the goal for many 'Ōiwi 'persons of Hawaiian ancestry' who support their respective initiatives for self-determination. The common denominator is, none of the groups is satisfied with the current political relationship Native Hawaiians have with the United States. As a people, Native Hawaiians do not directly control trust lands set aside for them by US law. Instead, 'Ōiwi are political wards of the state, with no legal rights of redress or mechanism for making legal claims to their lands. Consequently, each initiative strives to advance its own agenda in a period of this movement when different groups are best understood as "separate paths that sometimes cross."

The centenary observance of the American military-aided overthrow of the Hawaiian kingdom reached into

the midsummer months of 1993 with special events, public and private mourning, and much reflection. These activities focused on the past, but, as the year came to a close, increasing attention was being paid to more future-oriented aspects of the indigenous Hawaiian struggle for self-determination. Significant sovereignty-related events occurred within and beyond the shores of the 'Ōiwi homeland. Although there have been setbacks and disappointments, the cause of self-governance has moved in some encouraging directions.

In August 1993, an international tribunal was convened in Honolulu under the auspices of Ka Pākaukau, a pro-independence sovereignty initiative led by Dr Kekuni Blaisdell. The United States was put on trial for crimes against the Hawaiian nation, from the overthrow to the present. Tribunal panelists included persons from Aotearoa, the Creek and Cherokee nations of the Americas, and one from Palestine. They heard testimony that addressed all manner of American wrongdoing, from the banning of the Hawaiian language to the taking of trust lands without compensation.

Based on the evidence presented, the panel convicted the American government for its crimes. The group adjourned, its task carried to the furthest extent possible. At the very least, sitting jurists gave concerned parties a forum through which their voices were heard in the important context of international rights for indigenous peoples. The compiled testimonies are now part of a permanent record. The data, organized chronologically and by subject area, are accessible to the

broader community of specialists in international law and indigenous rights. It is possible that analyses of the legal issues from various international perspectives by persons with legal expertise could bring new solutions to light for a problem that has long plagued the Hawaiian people: the brutal reality of living as foreigners in their own ancestral homeland.

The 'Ohana Council, a pro-independence sovereignty initiative from Waimanalo on the east coast of O'ahu Island, is led by Dennis "Bumpy" Kanahele. The 'Ohana Council receives more media coverage than all other groups combined because of its confrontational style. The television media usually portray Kanahele as a gentle, soft-spoken leader who has turned away from violence as any kind of meaningful solution to the sovereignty issue before the Hawaiian people. His supposed potential for contentiousness, especially when ordered by government officials to vacate public premises or be charged with trespassing, allows the media to sensationalize much of what he does. Because of his apparent willingness to stand firm and to be moved from an occupation of government land only by arrest, Kanahele garners headlines as a radical.

The 'Ohana Council's year began with an occupation of a City and County of Honolulu beach park in their area and ended with them being relocated to Waimanalo agricultural lots controlled by the State of Hawai'i. The men of the 'Ohana Council left the beach park voluntarily, but in a departure from normal procedure, the women remained at the site when

arrests were imminent. Promises of a "peaceful arrest" and full cooperation by Kanahele's people gave the entire episode a surreal, almost choreographed air. From their new home, Kanahele vowed to continue the struggle for complete independence. Unfortunately, a well-defined plan for achieving that goal has never been presented by the 'Ohana Council.

Some charge the group with getting preferential treatment in deference to Kanahele's reputation as someone who is not afraid to run afoul of the law. Other 'Ohana Council activities, like hosting Native American nation leaders and exploring ways to use human rights conventions declared through the United Nations to further the efforts of Native Hawaiian self-governance, are less well publicized. In the last year, the group has also conducted protests aimed at tourists, urging them not to return to Hawai'i until the State of Hawai'i effectively addresses the sovereignty issue.

Another aspect of the movement, the one that focuses on sovereignty education, has been extremely active. The Native Hawaiian Advisory Council publishes one of the most comprehensive newsletters on sovereignty. Editor Elizabeth Pa Martin and her staff work diligently to produce a product that informs those in the movement, while educating neophytes as well. Similarly, Hui Na'auao, a non-profit educational group, has continued to hold information workshops and other public education activities upon request. Ka Pākaukau and the 'Ohana Council also have their own community outreach and education programs.

The same is true for the largest and, in my opinion, the best-organized initiative, Ka Lāhui Hawai'i led by Mililani Trask. With duly elected representatives from all islands and a constitution to follow, this group patterns itself after hundreds of Native American nations recognized by the US government. This self-determination option is called a nation-within-a-nation. Trask sees the sovereignty battle being fought on three main fronts: local, national, and international.

In Hawai'i, the entity to be challenged constantly is the state government. The usual site is the annual convening of the State of Hawai'i legislature. Here, recent bills introduced for the purpose of acknowledging the sovereignty movement and taking action to facilitate the process of establishing a Hawaiian nation have been killed consistently. In place of legislation to guarantee that the process of nation-building would remain with the Hawaiian people, the state has stepped in and adopted Governor John Waihee's plan to control sovereignty.

His Sovereignty Advisory Commission has taken grassroots control of the movement away and in its place is a rubber-stamp operation that seeks to rush the process without giving sufficient attention to educating Hawaiians about the sovereignty issue. Currently, a plebiscite is scheduled for September 1995. The question to be posed to Hawaiians is, Should a Hawaiian nation in some form be restored? Assuming the response is affirmative, elections of delegates to a constitutional convention will be conducted. With an organic document created, the mechanism for nationhood would be

in place. Some critics believe any involvement whatsoever by the State of Hawai'i is antithetical to true self-determination, which must come not from American government, but directly from a consensus of the Native Hawaiian people themselves. State intervention is seen as counter-productive.

Another entity Ka Lāhui must constantly watch is the Office of Hawaiian Affairs, a state agency that collects revenues from trust lands on behalf of the Hawaiian people and functions more at the behest of the governor's office than for its native beneficiaries. Many programs the office has announced sound promising and offer hope. The results, though, have usually been anything but positive. Mired in their own petty politics and saddled by special interests, most of the trustees do not seem to have a clear role in mind for the office with regard to the sovereignty issue. Effective leadership from this agency could be aiding the cause, but that is not the case.

On the national scene, Ka Lāhui has approached Secretary of the Interior Bruce Babbitt via reports and other correspondence. Ka Lāhui's overtures to Babbitt include a formal request to conduct oversight hearings in Hawai'i to document the State of Hawai'i's dismal record as trustee over lands held for the Native Hawaiians. A political crony of Hawai'i's governor, Babbitt has been informed of the state-sponsored view of sovereignty, not the peoples' view.

When President Clinton visited Hawai'i in summer 1993, Ka Lāhui was there. The small but vocal contingent managed to get Clinton's atten-

tion while he was addressing the thousands that had gathered. He stopped and spoke directly to the chanting Ka Lāhui faithful, and therein lie the victories, seemingly insignificant but so very encouraging in a struggle that yields few rewards along the way. Clinton issued a formal apology on behalf of his nation for its complicity in the overthrow. Some see this as the first step toward federal recognition of Hawaiians as Native Americans. A blanket US policy is needed. Ka Lāhui has monitored Hawai'i's congressional delegation with regard to their role in seeking such status for the *'Ōiwi*.

Ka Lāhui has also made its presence felt in the third of Trask's areas of emphasis—the international arena. Traveling with another Ka Lāhui official, Keali'i Gora, Trask attended indigenous rights conferences in both Geneva and Vienna. Declarations and conventions are usually drafted at these meetings then forwarded to appropriate committees within the United Nations or similar international governing bodies that address the needs of indigenous peoples.

Continuing to maintain an international presence and defining a role for Native Hawaiians at these gatherings is the third front from which the struggle for sovereignty must be waged. In the same vein, Jon Kamakawiwo'ole Osorio, a citizen of Ka Lāhui and professor of Hawaiian Studies at the University of Hawai'i, Mānoa, went to the Netherlands on sovereignty-related business at Trask's request to discuss possible private Dutch financing of the *'Ōiwi* self-determination effort here. A strong and substantive presence in all three arenas, local, national, and inter-

national, is the most comprehensive approach to sovereignty that can be pursued. This is the policy that Ka Lāhui's national legislature has mandated and the course Trask has ably followed since the initiative's inception in 1987.

Much remains to be done, although significant inroads have been made. Sovereignty is now a recognized issue of concern that is openly debated through newspapers, in homes, and at places of employment throughout Hawai'i. Most observers now believe sovereignty, including the control of a land base, is a matter of *when*, not *if*. The coming year promises to be no less challenging or eventful.

KANALU G T YOUNG

MAORI ISSUES

Maori participation in resource management and conservation in New Zealand is becoming increasingly prominent as the effects of the provisions of the Resource Management Act 1991 and the Conservation Act 1987 start to take hold. These Acts give particular prominence to the rights of Maori, which were guaranteed in the Treaty of Waitangi when it was signed in 1840. They include the rights of reparation for past and continuing violations of the treaty, including the rights to have lands and resources currently held by the Crown returned to their rightful tribal owners. They also include the right of Maoridom to control and manage their natural resources according to their own traditional and cultural values.

In both local and central government, resource management and conservation bureaucrats are invariably Pakeha (Europeans). The overwhelming majority of them have found themselves grossly ill-informed and inappropriately trained to administer the Maori-related provisions in these Acts, which require a good knowledge of a completely different set of cultural values if they are to be adequately implemented. Yet these managers have been extremely slow to equip themselves with the necessary level of Maori expertise. It is rare to see any regional or district governmental body with more than one person hired specifically for their expertise in Maori matters.

Where such persons have been employed, they will invariably be overloaded trying to meet the demands placed on them by both Maoridom and their employer. They also frequently find themselves in a conflict-of-interest situation when the two sides clash. The Department of Conservation is the prime example, and although it endeavors to prevent such conflicts coming to the attention of the general public, they are frequently reported in the media. Media reports, particularly those compiled by Maori news media interests, highlight Maoridom's criticism of the department's overbearing attitudes toward tribal and subtribal objections. The tribes frequently point out that these attitudes are in direct violation of the department's own Act, and several tribes have taken legal action against the department.

While the Department of Conservation at least has some Maori expertise

available to it, many local government bodies in particular have no one and wonder why they are in constant conflict with the tribes of their area. Local authorities also hold out in their areas against making the necessary resources available to Maoridom, who still, by and large, battle for the preservation of the integrity of their natural resources on a voluntary basis. In April 1994 the independent parliamentary commissioner for the environment issued a statement reminding local authorities and consent authorities of their statutory obligations to pay for Maori expertise in the same way they pay, for example, for planning, legal, and engineering expertise.

Various impediments aside, Maoridom has made major strides in the past decade toward having the government recognize and acknowledge the huge injustices perpetrated against them in breach of the Treaty of Waitangi. The process of making reparations by returning stolen resources, however, has been painfully slow. Furthermore a very small but vociferous white supremacist lobby, with very good access to the media and government ministers, has campaigned tirelessly in the past year to prevent reparations being made. Nevertheless, the present conservative government has continued to maintain publicly that it is obliged to settle these grievances and that it intends to do so. The reality on the ground is that Maoridom has seen very little change in practical terms, although the words and policies being generated are starting to sound better, not least because of the recent appointment of some well-trained and articulate Maori to influential policymaking

bodies. Two examples are the Board of Inquiry into the New Zealand Coastal Policy Statement and the New Zealand Conservation Authority.

On the first of these, two of its five members were Maori, one a lawyer, the other an academic, and both had a strong mandate from their own tribes. The board's brief was to inquire into the adequacy of the proposed government policy statement, which would, once gazetted, determine the management of the country's coastline for the next ten years. On the basis of several hundred submissions, including fifty from Maori tribal authorities, along with a very careful regard for the provisions of the Resource Management Act, the board of inquiry rewrote the government's draft of the policy statement. The government accepted all the changes and gazetted it in May 1994.

The gazetted New Zealand Coastal Policy Statement has received high praise from Maori resource managers. They point out that it is the first authoritative document in the field to give practical acknowledgment and recognition to the rights that Maoridom was guaranteed in the treaty, that is, to control and manage the coastline according to their own customs and values. Yet the board went further than the policy statement and made strong and specific recommendations about the need to improve the level of expertise in Maori matters available to government resource managers and to ensure that Maoridom has adequate resources to carry out its responsibilities under the Act.

Important among the reasons the Maori members of the board were able to convince their colleagues of the

importance of the Maori provisions and their appropriate form was the manner in which the board conducted the hearings associated with the inquiry. Except for the Waitangi Tribunal, judicial bodies have invariably conducted their hearings at Pakeha venues such as courtrooms. The board conducted part of its hearings on tribal *marae*, the traditional focal point and community meeting place of any tribe. Although many of Maoridom's traditional institutions have been destroyed or largely displaced by colonization, the *marae* has not and remains the one place where Maori custom and rules prevail and are unquestioned. On the *marae*, the submissions of Maoridom possess far more relevance and meaning for all involved than those presented in culturally alien courtrooms and government board rooms. The eloquence of Maori oratory is very persuasive in such a venue, and the job of the Maori members of the board was made a lot easier as a result.

Perhaps the strongest influence in ensuring a balanced outcome for the board of inquiry was its independence from bureaucratic interference, a stance it guarded jealously throughout its inquiry during 1993 and early 1994, in contrast to the other policy-making body mentioned, the New Zealand Conservation Authority.

Although the authority is an independent body set up under the Conservation Act to advise the minister on conservation issues and give final approval on certain policy matters, it has to work fairly closely with the Department of Conservation. In practice, the department attempts to use the same control and suppression

mechanisms on Maori members of the authority who speak out as it does on the tribes in the regions. For example, the director-general, the most senior conservation bureaucrat, attends all authority meetings and remains even when the authority goes into committee. He is there ostensibly to provide information, but often advises the authority, and on more than one occasion in the past year has openly clashed with the Maori members.

Of the conservation authority's twelve members, two are appointed by the minister of Maori Affairs. Both the present incumbents, appointed in mid-1993 for three years, are Maori and have academic backgrounds. Both also hold strong mandates from their respective tribes. A third Maori member of the authority is the local government representative. Although he has a strong Maori background, he does not hold a tribal mandate on the authority. The other members of the authority represent various nongovernmental interest groups, such as the tourism and farming industries and environmental and recreational lobby groups.

One of the first major issues to confront the present conservation authority on its appointment in 1993 was that the government's inability to adequately address treaty issues has resulted in decision-making in key conservation areas throughout the country being effectively blocked by the local tribes. For example, Maori in the North are preventing the establishment of a national park in their area because their claims to lands proposed for the park have not been settled, despite the Waitangi Tribunal carrying out a very extensive investigation and, as long as

two years ago, recommending that large areas be returned to the tribes.

Similar situations are occurring in the South Island, although there the government is closer to settling those claims by returning land to the tribes. This has prompted the racist backlash referred to earlier, whose adherents have been using the very successful environmental lobby to promote their views, although there appears to be very little support for them in the environmental movement. A spokesperson for one of these white supremacist groups was publicly rebuked by the chairman of the board of inquiry for demonstrating his racist attitudes to the board's Maori members during the (public) hearings.

The Maori-appointed members have continued to maintain the tribal view within the conservation authority, despite open attempts by the director-general to dismiss their views as irrelevant. The same is true of another issue relating to the Maori right to take certain protected bird species because they are a traditional food. Despite the court having ruled against the department when it attempted to prosecute a Maori for such an act, attempts by the department to suppress all debate in the conservation authority became so obviously ridiculous that in mid-1993 the minister intervened and asked that the authority advise him on the matter after due public consultation. It had become obvious that several senior officers in the department were simply refusing to take the advice of its numerically few Maori experts on the matter.

The minister instructed the director-general to leave the matter to the con-

servation authority, which then made a determined effort to try to find a solution. To that end they spent several months drawing up a public discussion paper, written in both English and Maori, which pointed out that without the support and acknowledgment of Maori knowledge and authority in this field, there would be little chance of conserving some species of native birds. Even though the paper was fully endorsed by the authority, it went through some extraordinary stalling mechanisms before being made public in May 1994.

It has become very clear to Maoridom over the past year that although there is a general level of support for Maoridom achieving its rights in respect of natural resources and their conservation and management, there are strong bureaucratic impediments resulting from a lack of adequately trained staff in government departments. Despite this situation, policies are being promulgated that will effectively force a change in the attitudes of senior bureaucrats. It will be up to the bureaucrats how much of that change will be effected without the courts having to intervene.

MARGARET MUTU

NIUE

Niue took further steps during 1993-94 toward acquiring recognition of its international personality, when its control over its own external relations was endorsed by two specialized agencies within the United Nations system.

Niue's application for membership in UNESCO was approved in October

1993 at the organization's biennial general conference in Paris. In becoming a signatory to the UNESCO constitution as a full member, Niue was able to satisfy the organization's criteria for "States [that are] not members of the United Nations Organization" (Article II, section 2), implying acceptance of the accuracy of Niue's description of itself as a "State." Niue's participation as a full member of UNESCO also suggested that the organization regarded Niue as wholly competent to take part in its affairs as a sovereign member state, because the provisions for associate membership for "Territories . . . which are not responsible for the conduct of their international relations" (Article II, section 3) were not applied to Niue's application.

This precedent-setting recognition for Niue's status as a self-governing state was followed up in May 1994, when Niue was admitted to membership of the World Health Organization at the World Health Assembly's annual session in Geneva. Once again, Niue was admitted to full, rather than associate, membership, satisfying the provisions of the WHO constitution (chapter 3) as a "State" responsible for the conduct of its own international affairs.

In its WHO application, Niue took the opportunity to summarize the progressive enhancement of its regional and international ties, noting that it had "steadily expanded and developed its foreign relations . . . across a broad spectrum of activities." The Niue government drew attention to its membership of the South Pacific Forum, its admission to UNESCO, and its having entered into "treaties in its own right." Attached to Niue's appli-

cation was a statement on its constitutional and international status, prepared in consultation with New Zealand and released in November 1993, which emphasized that New Zealand's responsibilities for the external affairs and defense of Niue (see Niue Constitution Act, section 6) "do not confer on the New Zealand Government any rights of control." The statement noted: "Where the New Zealand Government exercises its responsibilities in respect of external affairs and defence it does so in effect on the delegated authority of the Niue Government."

The Minister of Health, O'love Tauveve Jacobsen, speaking to the World Health Assembly, described Niue (accurately) as "WHO's least populated nation," but stressed that Niue was in a position "not only to contribute effectively to the work of WHO but also to benefit from the assistance which the organization can offer." She closed by arguing that Niue's admission "fulfilled for Niue a vision of the United Nations in 1946, that global resources are to be shared with those who are otherwise not so well resourced," describing Niue's acceptance by the world community as an "opportunity to be born and become part of the world family, whose recognition of the rights of every human being to good health, shelter and life is fundamental."

Although Niue has signed eleven multilateral treaties and agreements, the UNESCO and WHO accessions are the first to encompass arrangements outside the South Pacific region. Although in the past some states have raised objections to Niue's capacity to sign treaties and accept international

covenants—a consequence of its links with New Zealand—its applications to UNESCO and WHO were unopposed. Admission to the two agencies, while establishing legal and political precedents for further Niuean involvement in the international system, is expected to facilitate the island's requests for assistance and support from both of them.

Further evidence of Niue's capacity to determine its own foreign and defense policies within the free-association framework of ties to New Zealand came with further visits from American navy vessels. The USS *Bristol County* arrived in August 1993 to deposit a small team of engineers and medical personnel to assist with various projects, the group remaining on Niue for nearly a month. A second vessel, the coast guard ship *Sassafras*, made a port visit in April 1994.

Other visitors to Niue during 1993–94 included the Chinese and German ambassadors to New Zealand, each of whom is cross-accredited to Niue. These relationships are expected to produce some small-scale financial contributions to Niue from the Chinese and German governments.

In other ways, Niue's international ties were beginning to develop greater stability. Its air service managed to avoid serious interruption, as Air Nauru's weekly flights became linked to discount packages designed to boost tourism. The airport was closed for a ten-day period in May, however, to permit New Zealand-funded resurfacing of the runway following well-founded complaints that its coral-chip surface was damaging the tyres of aircraft landing on the island. New

Zealand has also agreed to provide funds over and above the aid program (NZ\$3 million) to extend the runway, necessary for Niue to be serviced by types of aircraft other than those presently landing on the island and to avoid weight problems preventing fully laden Boeing 737s from using the runway (causing passengers and cargo to be removed prior to departure). These extensions are to follow preparation of a cost-benefit analysis based on the types of aircraft expected to use Niue airport. The New Zealand government's support for the project reflects its agreement with the government of Niue on the importance of tourism to the island's economic development.

Another development initiative was begun under more equivocal auspices. Despite controversy over comparable developments in the Cook Islands, a package of ten offshore banking bills was enacted by the Niue Assembly in April 1994. Although the government expects these measures to assist in the island's development, Niue's isolation may restrict its prospects as a base for international banks and entrepreneurs.

The government's narrow majority in the Niue Assembly meant that it was vulnerable to an opposition challenge. A no-confidence motion was put by Young Vivian in March, coinciding with the resignation of Finance Minister Lakatani during an overseas trip by Premier Lui. On his return the premier rejected Lakatani's resignation, preferring instead to dismiss him from Cabinet. When Lakatani was reinstated prior to the vote, the no-confidence motion was defeated, 13–7, a sequence of events that culminated in the government's enlargement of its majority

by two seats. Although Young Vivian has expressed concerns about the inadequacy of measures to promote Niue's development, the incident underscores the persistence of personal antipathies among the small factions within the Assembly.

Notwithstanding private sector initiatives, aid from New Zealand, Niue's principal donor country, remains of vital importance. Aid levels were largely unchanged from the previous year, with NZ\$2 million available for development projects and a further NZ\$5 million for budgetary assistance. Project assistance included funds for training programs for Niueans enrolled in short-term trade courses, as well as for students enrolled in New Zealand high schools and tertiary institutions.

An ambitious forestry program, scheduled to receive NZ\$1.8 million over five years, is linked to the complex and long-term land-titling project. Having accepted that it is unrealistic to seek to title all land on Niue, Niueans are being offered opportunities to register their land as a prerequisite for its being planted as part of the forestry program. Forestry development has the effect of distributing money to Niue's villages, as Niueans are able to earn funds both by clearing land and by planting the cedar and mahogany trees. An option thus far not taken up is for Niueans to become partners with the government in forestry development, clearing and planting on an unpaid basis but gaining a share in any future profits.

New Zealand's private-sector development aid focuses on four projects: a business and training employment

program, with assistance given to employers offering on-the-job training to school leavers; tourism, through a grant to the Niue Tourism Development Board designed to promote Niue as a holiday destination; a small projects fund, administered by New Zealand's high commissioner, which has included support for the Niue Women's Council and for small businesses (including the *Niue Star*, the island's only newspaper); and the Development Finance Committee, a small-scale development bank offering loans for private-sector activity. Miscellaneous technical assistance has also been beneficial, as, for instance, when New Zealand has brought special medical teams to Niue for short periods.

The Niue government has also begun using New Zealand aid to obtain more systematic and ongoing economic policy advice. The government has employed an analyst from the New Zealand Institute of Economic Research to assist with economic planning and to help the government develop a long-term strategy oriented toward the goal of "sustainable development." As the development plan negotiated between New Zealand and the previous Niue government has come to an end, a new plan is to be organized, building in part on a preliminary set of development goals identified by an economist sent to the island by the United Nations Development Program during March 1994.

Further assistance to Niue is being provided by the Australian government, which has granted NZ\$0.5 million to restore the island's once-profitable lime-fruit industry

(destroyed by a series of cyclones). Further support from within the Pacific region has come with a special grant of NZ\$0.25 million from the Papua New Guinea government, a consequence of a visit by Premier Lui. These funds are intended to assist with the repatriation from New Zealand of Niueans presently residing there. Lakatani has proposed that Niue seek to achieve a population of 5000 by the year 2000, a more-than-doubling of present numbers, to be brought about in part by admission of non-Niuean migrants. Misgivings about their entry are likely to be expressed in Niue's villages, as they have been about government offers of financial assistance to Niueans returning to the island from New Zealand.

In any case, New Zealand's Niuean residents themselves have shown few signs thus far of sharing the premier's enthusiasm for their return. Indeed, the government was criticized when it failed to appoint a Niue resident to its sole overseas post, the Consul-General position in Auckland, with complaints that Niueans who had served the country on Niue should not have been deprived of the opportunity. Nonetheless the appointment by the Niue Public Service Commission (itself now situated on Niue and wholly Niuean) of Aiao Kaulima, a Niuean resident in New Zealand, was not reversed.

The government's reduction in the size of its public service continued, but at a slower pace, with numbers now down to about 250 from a peak of roughly 600. Even so, the Niue government, funded by New Zealand, remains the major employer on Niue, with public service jobs an important

means of retaining population. While the shrinking of the public service may free government money for development projects, because less is required for salaries, some former public servants have left the island on receipt of their redundancy packages. Suggestions have been made that the government's capacity to carry out its duties will be jeopardized by further cuts. Assessing the effects of privatization and migration is further complicated by the importance to the local economy of remittances from Niueans living in New Zealand.

Further imbalances in Niue's economy are evident from foreign trade figures. Although its exports to New Zealand enter duty free under the SPARTECA agreement, the balance remains heavily in New Zealand's favor. In 1993 Niue's exports to New Zealand totaled NZ\$420,000, while imports from New Zealand totaled NZ\$3,520,000. Thus, while Niue's statement to the World Health Organization represents a further evolution of the island's nationhood, the gradual process of asserting its international personality still must be accompanied by the undramatic search for new ways to enhance the quality of life for the Niuean people.

STEPHEN LEVINE

TOKELAU

On 9 August 1993 the New Zealand government issued the Tokelau Administration Regulations 1993, which came into force on 1 October. The regulations permitted the administrator of Tokelau, a member of the New

Zealand diplomatic service based in Wellington, to "delegate to the General Fono, or to such other person or persons as the Administrator thinks fit, all or any of the powers exercisable by the Administrator under any enactment" (section 5). They also stipulated that where "the Administrator delegates any power to the General Fono, then, in any case where the General Fono is not in session, the Council of Faipule may exercise that power in the same manner and with the same effect as if the power had been delegated to the Council of Faipule under that regulation" (section 7).

The effect of this brief order-in-council was to permit the legal position to be brought more closely into line with evolving administrative realities. This would enable the Tokelauan leadership to acquire formal authority and substantive powers corresponding in some measure to the genuine self-government found on Tokelau itself.

Current Administrator Lindsay Watt has commented that "the essential political reality has been that [Tokelau's villages] have effectively run themselves for centuries." The virtual self-government found on each of Tokelau's three atolls is reflected in the infrequency with which the New Zealand Parliament legislates on Tokelauan affairs. Each village has an independent law-making power and a decision-making process. For each atoll there is a *taupulega* 'village council', elected *faipule* 'leader' and *pulenuku* 'mayor', and a law commissioner or lay judge. The strength of the village systems of government has been offset, however, by weaknesses at what

might be described as central government level. As a result, adjustments of structure and attitude have been required to accommodate the broadening of national responsibilities and perspectives among Tokelau's leadership as an adjunct to traditional atoll roles.

Promulgation of the 1993 regulations, described by the administrator as inaugurating "a new era in [New Zealand's] relationship with Tokelau," was intended to assist this process. Issuance of the new regulations occurs at a time when the position of administrator, although a nonindigenous appointee to an introduced institution, appears to have acquired cultural as well as political significance. He is spoken of and addressed at meetings as an elder, and there have been informal suggestions from among the *faipule* that the administrator might in future reside in Tokelau for an extended period.

The regulations deepen and extend a process of political development and constitutional change, one with unique features. Following the delegation of the administrator's powers in January 1994, a statement from one *faipule* recognized the action as likely to contribute to the coming together of the atolls as a nation. A similar tone was present in the May 1994 message of the three *faipule* to the chair of the United Nations Special Committee on the Implementation of the Declaration on Decolonization. Noting the recent progress made toward self-government, the *faipule* described these developments as "an exciting process . . . as we set up a new Government on the atolls." Characterizing the delegation of the administrator's powers to the

General Fono and the Council of Faipule as "a very significant occasion" marked by "songs of celebration" and the wearing of "special garlands," the *faipule* declared that now "the responsibility for the affairs of Tokelau is in our hands."

While welcoming the opportunity to communicate its views to the United Nations at a distance, and subsequently, face-to-face to the visiting mission due in Tokelau in July 1994, the *faipule* expressed reservations about the world body's thinking with regard to Tokelau's future. "We know and trust that the Government of New Zealand will continue to be guided by the wishes of our people. We are less sure what will guide the committee when the time comes for Tokelau to put on the table its thinking on the options available under its eventual act of self-determination."

When Tokelau was placed on the United Nations list of dependent territories in 1962, New Zealand's obligation to develop self-government was established more clearly, culminating in an exercise of the right of self-determination by the people of Tokelau. As the moment for such an act approaches, practical experience in responsible government and the administration of public service departments is likely to have an influence on Tokelauan preferences from among several political status options. In the meantime the members of the Council of Faipule, describing themselves as "the executive arm of the General Fono or the emerging Government of Tokelau," have advised the United Nations of Tokelau's strong bonds with New Zealand, "an equal

partnership" despite the disparity in resources between the two entities. Nonetheless the administrator has offered a glimpse of some of the more delicate parameters surrounding the moves to introduce greater political autonomy.

In January 1994 a special message was sent by the administrator to the General Fono and to the Council of Faipule in the form of "A Letter of Understanding Concerning the Delegation to You of My Powers." This statement, which elaborated on the political transition taking place, redefined the relationship between the General Fono and the Council of Faipule, on the one hand, and the administrator, on the other. The Fono and Faipule were to keep the administrator informed about administration on a regular quarterly basis, consulting with him "before acting in any matter with international implications" or on matters requiring "the approval or assistance of the New Zealand Government." In turn, the administrator undertook to provide advice and support, to inform the Tokelauan leadership of policies of the New Zealand government "relevant to Tokelau" and to "work with the New Zealand government to advance matters of international interest to Tokelau."

The administrator pointed out, however, that "this delegation [of power] is to be seen within the broader social, economic and political relationship of Tokelau and New Zealand," as Tokelau is still "seen by the international community as a non-self-governing territory with the right to choose its future." Because New Zealand's 1948 Tokelau Act was still

in force, Tokelau remained an integral part of the country, its people New Zealand citizens. The Fono and Faipule were reminded that "in this broader context it is important to remember the general expectations the New Zealand Government has of its citizens," among them a sense "that they will accept and live by international standards of behaviour supported by New Zealand. New Zealand has for instance very clear and strong views about respect for human rights." The administrator stated that "these are matters on which I would be obliged to advise should occasion arise," going so far as to imply that links with New Zealand might be placed in jeopardy were a different view of the character and importance of human rights to establish itself in a self-governing Tokelauan polity. This matter was therefore "an area with possible significant consequences for the relationship of New Zealand and Tokelau," and the hope was expressed that "the holders of the power of delegation would . . . exercise their authority with this matter in mind."

Although there may be some uncertainty about the effects of claims to individual rights on some of Tokelau's cultural practices, there is evidence to suggest a constructive resilience and adaptability within Tokelauan society. The relocation from Apia of the Tokelau Public Service, which was established in 1969 to deliver a range of basic services, has provided opportunities for advancement for younger Tokelauans trained and educated in New Zealand. Some senior posts in the public service are held by Tokelauans returning from

New Zealand. Another Tokelauan coming back to assist the transition will oversee the introduction to the public service of new accounting and financial management systems. These by-products of change give a personal and social dimension to steps generally viewed in more abstract terms, as steps toward "responsible self-government." In that respect the administrative structure has been transformed, with public service department directors, who had previously reported to the head of the public service based in a city in another country (Western Samoa), now accepting policy supervision from members of the Council of Faipule. In the process Tokelau's three elected leaders have become *de facto* Cabinet ministers, with ministerial portfolios allocated in April 1994 on an interim basis, as follows: Public Works, and Transport and Communications (Keli Neemia); Health and Environment, and Administration and Finance (Sale-sio Lui); and Agriculture and Fisheries, and Education (Lepaio Simi). The Office of the Council of Faipule, for which the *ulu* additionally holds ministerial responsibility, is presently based on Fakaofu to support the current *ulu* (a *de facto* prime minister), Keli Neemia.

As Tokelau continues to redefine itself in relation and response to the outside world, as required to some extent by its dependence on external support for necessary and valued services, further steps toward self-government lie ahead for the three communities totaling about sixteen hundred people. These steps will include amendment by the New Zealand Parliament of the Tokelau Act

in order to give the General Fono the power to make regulations on matters of common interest to the three atolls. The February 1994 General Fono reconstituted its Working Committee on Constitutional Development, to address the fundamental issue of a constitution for Tokelau, the possible designation of a Speaker for the General Fono, and the terms of Tokelau's submission to the United Nations Visiting Mission. Eventually an act of self-determination, consistent with international criteria and expectations, will have to be organized. A unique political status outcome would not be surprising, for already the Tokelau polity has developed distinctive features, including a rotating head of government—the transition to a second *ulu* occurred in 1994—and, effectively, a rotating capital (or, alternatively, none at all).

Work was also begun on Tokelau's first-ever National Strategic Plan, which involved a comprehensive program of Tokelau-wide consultation. With the goal of producing a framework for future political and economic development extending five to ten years ahead, a planning process was developed through an invitation from the Council of Faipule to representatives from the three *taupulega* and from organizations in each village. Public service directors and other officials were also involved in extensive meetings aimed at producing a draft program. Ongoing challenges include distinguishing between public service and village responsibilities, and widening community participation to encompass the women and the youth of Tokelau. The plan was adopted at

the June 1994 General Fono held in Atafu.

Tokelau's regional profile is also becoming more prominent, including membership of the South Pacific Commission, the Forum Fisheries Agency, and the South Pacific Regional Environment Programme. Beyond the region, Tokelau has gained admission to the World Health Organization as an associate member. Tokelau sent a message to the April 1994 Global Conference on the Sustainable Development of Small Island Developing States, held in Barbados. The message was delivered by the New Zealand representative, who noted that the conference coincided with the "transfer of responsibility for the affairs of Tokelau from New Zealand to the hands of the people of Tokelau themselves." Described as "the voice of the smallest of the small," the *faipule* reminded the conference of the connection between Tokelau's political development and environmental health, observing that the desire of Tokelau "to retain its strong cultural identity" will be threatened "if our atolls become uninhabitable." In keeping with the theme of the conference, the *faipule* committed themselves to "sustainable practices," expressing concerns lest "we saturate our atolls with pollutants . . . lose too much of our wildlife stocks . . . and lose our own unique culture." The gathering also heard the *faipule* draw attention to Tokelau's political restructuring, as they emphasized that the "entire government administration for Tokelau is undergoing a significant transition at present as we endeavour to attain self-governing status in cooperation with New Zealand."

Although Tokelau's indigenous resources retain their cultural vitality, a reliance on New Zealand support remains an important feature of the Tokelauan economy. New Zealand assistance meets more than 70 percent of Tokelau's budget needs, the grant-in-aid for 1993-94 being NZ\$4.3 million. At 30 June 1993 the Tokelau Public Service had 133 permanent employees, 32 temporary employees, and 51 casual workers, a reduction following its restructuring. Other aid from New Zealand's Overseas Development Division, approximately NZ\$0.7 million, focuses on youth development, telecommunications, and technical assistance. Aid from the United Nations Development Program also centers on Tokelau's telecommunications, as well as the upgrading of power and water supplies and the construction of seawalls.

STEPHEN LEVINE

THE KINGDOM OF TONGA

At the beginning of 1993, many people thought the prodemocracy movement would bring about significant political changes. Formally established in 1992, the movement sought to inform the electorate about democracy and the need for greater accountability by officials for their actions, particularly their use of public monies. The 1993 February election saw six (of the nine) People's Representatives declaring themselves either at the forefront of the movement or broadly sympathetic with its aims. Expectations of political change, however, proved premature. As it turns out, the prodemocracy movement has suffered so many set-

backs over the last twelve months that many people are now saying it has lost its potency as a political force. The movement received its first blows from two traditional nation-wide demonstrations of solidarity with the society's social and political elite. It has been injured further by a series of successful legal suits brought against its leading political proponent 'Akilisi Pohiva by prominent targets of his public criticisms.

The first mass affirmation of loyalty to the established hierarchy occurred after the death of a noblewoman, Her Royal Highness Princess Melanaite, the wife of the king's younger brother. All social groups and representatives of opposing political and economic interests overlooked their differences to participate jointly "as Tongans" in both the state funeral rites held for her in March 1993 and the period of national mourning that followed. This somber time was followed by the joyful contrast of weeks of mass festivities to mark the king's seventy-fifth birthday in early July. Each island group held its special celebrations, then people once again flocked to Nuku'alofa to pay their respects to the king. Schools, villages, and church congregations from all over the kingdom performed special marches, prayers, and traditional dances, and gave feasts and gifts in honor of the occasion. Both of these heartfelt public demonstrations of loyalty were popularly held up as evidence of the depth of the people's continuing allegiance to the monarch and the nobles, the traditional system of status and leadership, and, by implication, the existing system of government.

The largest church, the Free Wes-

leyan, has once again shown itself to be extremely conservative by its support of the monarchy. Its once outspoken leader Dr 'Amanaki Havea has ameliorated his reformist tone since his retirement, and his successor, Reverend Lopeti Taufu, so far remains largely noncommittal about the wider political scene. The Roman Catholic Church lost its militant social reformist bishop, Patelisio Finau, who died suddenly at the age of fifty-nine in October 1993. Father Soane Foliaki, consecrated as the third Catholic bishop of all Tonga and Niue in June 1994, shares many of the same values and social concerns as his predecessor, a lifelong friend, and was for many years in charge of Catholic education in the kingdom; but he is thought not to be so outspoken regarding political reform.

The prodemocracy movement had several small legal and parliamentary victories along the way, but its downturn in fortune accelerated from March 1993 onward when 'Akilisi Pohiva, its most outspoken member and Tongatapu's Number One People's Representative, lost a series of defamation suits. Found guilty of publishing unfounded accusations in the radical newsheet *Ko e Kele'a*, he faced penalties of almost T\$70,000 in legal costs and compensation to the people involved. This sum included T\$35,000 to the Crown Prince, for asking rhetorically whether money from the Republic of China had been used to establish the Royal Beer Company Limited, and thereby causing "worry, upset, anguish and embarrassment" to the prince by causing even those close to him to question him; T\$25,000 to four executive members of a squash exporting firm, including a nephew of the king,

for accusing them of not submitting any prepared financial statement of their work for inspection by the Tongan Co-operative Federation since 1990; and T\$8,000 to the noble Fusitu'a, the Speaker of House, for defamation regarding his alleged actions toward a rival in the 1993 elections. Reprimanded by the judge for making public statements without checking his facts, Pohiva remarked that information is hard to obtain in Tonga and that the political structure of the kingdom makes information-gathering very difficult. He claimed there was a royal conspiracy to deprive him of his rights. Deputy Prime Minister Dr Langi Hu'akavameiliku strenuously denied this and said that by going to court the people defamed by *Kele'a* were merely protecting their rights as given to all Tongans. He also said that, as a prodemocracy leader, Pohiva should know that the rights of every individual should be protected.

Tongans living in the United States have helped defray about half of Pohiva's costs through the Kele'a Media Trust Funds Committee. But as Pohiva lost successive court cases, earlier criticisms redoubled concerning his impolite, "not Tongan," aggressive personal style, especially in dealings with his social superiors. Noble parliamentarians, notably Fusitu'a, seized their advantage to proclaim that highly born people have natural leadership qualities, and to assert that the present system is just as it should be. Other people, as was apparent from a public discussion sponsored by the prodemocracy movement on Constitution Day, 4 November, are advocating constitutional change to suit present-day circumstances, with particular regard,

for example, to the slender rights of women in respect to the control of land, yet without suggesting that Tonga should become a western-style democracy.

Despite the efforts of the more level-headed newcomers among the People's Representatives to keep the pro-democracy vote intact in parliament, any formal movement toward democracy has become largely moribund. However, the closely related goal of reformers, to make parliamentarians and others with public responsibility more accountable for their actions, has fared better. People's awareness of salient political issues and their general level of enquiry have been heightened, due partly to the informal educational activities of the prodemocracy movement's supporters, particularly in Tongatapu, but probably due more to the rise in the general level of education throughout the kingdom. There are many highly educated people who have worked hard for the reform movement, whose ideals have not changed, and who still believe that the seeds of reform that have been so painstakingly planted will in time bear fruit in the form of democracy. Over the last year, however, the new spirit of enquiry has led many people to question the motives and actions of the "reformers" themselves. Some pro-democracy parliamentarians are increasingly seen as tarred with the same brush of venery and corruption as the people they have been criticizing. Their large salaries, new houses, overseas trips, and associations with people of influence often smack more of self-interest and hunger for personal power than disinterested concern for the relatively powerless masses.

Some former prodemocracy supporters are saying now that the system as it stands is satisfactory, but that the leading bureaucrats and politicians need to act more responsibly and honestly, not merely for a privileged few but in the interests of all. There are numerous cases of self-seeking by those in public office that quickly become well known in such a small society. Some have begun to distinguish further between legality and a sense of moral right, and to question all forms of "greediness" with public monies, particularly criticizing per diems and other entitlements of office as "unnecessary expenses" for a resource-poor country.

In August 1993, Tonga established diplomatic relations with the Republic of Singapore and, in that month, the 93rd session of the legislative assembly resumed. Most of the people's representatives have interpreted the twenty-three pieces of legislation passed by the assembly during the 1993 sitting as moves toward greater control by the government, which is dominated by the nobles and the royal family. In quick defense of government actions, Deputy Prime Minister Hu'akavameiliku asserted that over the last five years the legislative assembly has passed hundreds of laws to facilitate development in all areas of society and, since 1975, had several times sought self-reform. But Liava'a, Tongatapu's third representative, cited three outstanding examples of increasing government control. First, amendments to the Charitable Trusts Act, which have made mandatory the registration of trusts and societies, could be used eventually, he said, to control all private organizations. Second, in one

of the few countries in the world where libel is a criminal offense, penalties for the defamation of "Their Majesties" were raised from T\$400 to T\$2,000 or two years imprisonment in default, and all other defamation conviction fines were raised. Finally, the Licenses Act was amended to give the Privy Council the power to fix the quantity of any export commodity and the minister of Labour, Commerce and Industries the authority to allot the maximum quota among licensed exporters. Aimed primarily at protecting the squash industry, the bill in effect gives the government minister absolute control over the quality and quantity of all exports and over the allocation of valuable quotas between the exporters.

The importance of squash exports to Tonga's balance of trade payments continues. Tonga's gross domestic product grew by an estimated 5.7 percent in the financial year from July 1993 to June 1994. The major contributor to growth was the successful squash harvest of 17,000 tonnes, which brought gross earnings of T\$18 million and accounted for 99 percent of the T\$1.9 million trade surplus realized in November 1993. This was the first trade surplus for the year and only the third in the kingdom's monthly foreign trade history. Tourism increased its revenue by 10 percent. Remittances continue to be the biggest earner of foreign currency at around T\$52 million, more than the profits from tourism and all cash crops combined. It is as well that some money is coming in, because the inflation rate averaging 6.4 percent is among the highest in the region.

In his opening speech to the 94th Legislative Assembly in May 1994, the

king spoke of his negotiations for the lease of farm land in both Sarawak and Papua New Guinea, the latter possibly in return for sending Tongan Defence Service personnel to help monitor proposed peace negotiations between Papua New Guinea and the secessionist island of Bougainville. Tonga requires more land, said the king, and an alternate source of food crops when natural disasters occur at home. Looking even further afield, the third Russian-built Tongan communications satellite was launched from Kazakhstan on 20 May 1994. The mostly Tongan-owned and controlled leasing agency, Tongasat, plans by the end of 1994 to put satellites into all seven orbital slots that Tonga has registered with the International Telecommunication Union. This would make it the world's second largest Intelsat commercial satellite nation. To date, the slots have earned T\$1,100,000 for Tongasat. The king noted God's blessing of Tonga, made obvious by the success of these ventures, in an address he made before leading the nation's March for Christ in Nuku'alofa on 25 June 1994. Following the example given last century by his dynasty's creator, Tupou I, he then rededicated the nation to God.

KERRY JAMES

WALLIS AND FUTUNA

The dominant features of the year 1993-1994 in Wallis and Futuna were two elections, a conflict between the "custom" authorities, and the continuation of the same labor grievances that have been voiced repeatedly over the last few years.

Following the partial annulment of the results of the March 1992 elections by the *Conseil d'Etat* (the highest administrative jurisdiction in France), new elections were called in the Wallis district of Hahake in October 1993 to nominate four members of the Territorial Assembly. The *Rassemblement pour la République* lost one seat in favor of the candidate of the left-wing *Mouvement des Radicaux de Gauche*, one of the parties of the presidential majority at the National Assembly, leaving the *Rassemblement* with only 8 seats in the Territorial Assembly, versus 7 for the *Mouvement* and 5 for nonaligned members. When the Assembly proceeded with the election of its executive in December 1993, the incumbent president, the nonaligned Soane Uhila, received only 4 votes out of 20. Elected as president was the leader of the *Rassemblement*, Michel Tauhavili, the *Mouvement* and the *Rassemblement* having formed an alliance. These two political groups are violently opposed in metropolitan France, suggesting a certain political instability in Wallis and Futuna. Less than two years later and after twenty-eight years of unchallenged and unshared right-wing rule over the Assembly, Tauhavili's election follows, the coalition between the *Mouvement* and nonaligned members, which had made the March 1992 election of Soane Uhila possible, and that between nonaligned members and the *Rassemblement*, which had made up the new majority in June 1993.

In June 1994, the nation as a whole voted to elect the French representatives to the European Parliament. Although a member of the *Mouvement*

des Radicaux de Gauche, a party that was presenting its own list of candidates to the elections, Kamilo Gata, the representative for Wallis and Futuna to the French National Assembly, ran under the banner of the Socialist Party. Appearing in the seventy-ninth position on the list, he did not have the slightest chance of being elected. This Socialist Party list, although soundly trounced at the national level, managed to gather 57.74 percent of the votes in Wallis and Futuna. Given that over 71 percent of registered voters turned out to vote, this confirms the popularity of Representative Kamilo Gata among the electorate in both islands. A few days after the vote, the executive committee of the *Mouvement* voted to expel Mr Gata from the party.

The March 1993 earthquake in Futuna, coming in the wake of several major hurricanes and tidal waves in recent years, deeply affected the island's residents. Reflecting on the possibility of divine retribution, they wondered what their collective sins might have been. Many considered that recent relaxation of the strict observance of the Sabbath, particularly the practice of going fishing on the Lord's day, might be at the root of their troubles. Accordingly, and in agreement with the state's representatives on the island, the high chiefs of Futuna decided in May 1993 to forbid all fishing activities on Sundays to their subjects and to other residents. In Wallis, however, the higher authorities refused to endorse the ban, which they considered an infringement on individual freedoms, and, as a sanction, decided to withhold the chiefs' gratuities start-

ing in June 1993. These gratuities are considered by the traditional high chiefs not as salaries but as a symbol of the ties between the French state and Futuna's ancient kingship, and their withholding was perceived as a great slight. The resulting tension culminated in violent confrontations, which shook the whole island throughout one weekend. The state representative was attacked, and government premises and vehicles were severely damaged. Law enforcement officers were fired on. Order was eventually restored, with the arrival on the scene of *Gendarmerie* units flown in from Noumea, and the two "kings" of Futuna agreed to lift the ban on Sunday fishing. In early November, at the request of the minister for Overseas Territories, the high commissioner for New Caledonia, who is also government delegate for Wallis and Futuna, paid a visit to the territory in order to put an end to the confrontation. The conflict is a good example of the uneasy cohabitation of the traditional chiefly structure, the locally elected people's representatives, and the central government authorities.

The February visit to the island group by Minister of Overseas Territories Dominique Perben took place in an atmosphere of social tension, following a call for a general strike issued by the *Force Ouvrière* labor union. The union was rehashing grievances that had been voiced over the past several years and had never been resolved: the application of metropolitan French labor legislation to Wallis and Futuna, the lowering of air and sea fares to the islands, and the gradual increase of the minimum wage to 100,000 Pacific

francs. A draft agreement signed before the minister's departure, between *Force Ouvrière*, the territory's higher authorities, and representatives of the Ministry for Overseas Territories, put an end to the strike and set up work groups whose task would be to study the disputed points, together with a calendar for meetings between the various parties involved.

The canceling of these negotiations was at the root of the disturbances that shook Wallis in the middle of June, at a time when the territory was getting ready to play host to Fiji President Ratu Sir Kamisese Mara. On 13 June 1994, schoolteachers belonging to *Force Ouvrière*, who had been clamoring for years for the creation of a public system of primary education in Wallis and Futuna and had been on strike for a week, joined forces with the strike action initiated by the local chapter of the labor union. The strikers went on to trash the government buildings and threw Molotov cocktails in the office of the president of the Territorial Assembly. Alain Christnacht, the high commissioner for New Caledonia, who had gone to Wallis to welcome the Fijian president, chaired meetings between the various protagonists of the conflict and was able to restore order.

In February 1994, one segment of the Wallisian and Futunan community in New Caledonia stated its unequivocal support for the Caledonian independence movement. In 1992 the *Union Océanienne* had split into two factions, and in February 1994 the faction led by Alosio Sako formed a new party under the name *Rassemblement Démocratique Océanien*. Implicitly

acknowledging that the islands of Wallis could never again accommodate the whole of the Wallisian population living in New Caledonia, the new party considers that the future of the Wallisian and Futunan community in New Caledonia can only be associated with that of the Kanak people, and has announced its support for the independence movement.

FRANÇOIS SODTER

WESTERN SAMOA

During the year under review, the Lona village execution, antigovernment march, allegation of national bankruptcy, charges of nepotism, and mismanagement in government departments captured the local headlines. The Lona execution bared Samoa's social conscience and the anti-goods and services tax demonstration tested the relevance of indigenous political institutions. The underlying theme is the double moral standards engendered in the constitutionally sanctioned dual system of authority. In a nation of over three hundred villages, 87 percent of Samoans live wholly or partly under the rule of a *matai*-cleric alliance and the remainder, mostly mixed-race Samoans, are classified as Individual voters who live wholly or partly under the rule of law. In reality the ambiguous milieu of custom and law is everyone's lot.

Since independence, several constitutional court cases have exposed the dilemma of balancing custom with western concepts of authority. An increasing number of cases demonstrate that the Village Fono regard

their customary powers—under the *fa'alupega*, not the constitution, as ultimate *pule* 'authority'. In 1992, a villager was trussed up and paraded through Neiafu before being laid beside an ominously burning *umu* as the Fono pondered his fate (SO, 29 Sept 1993). Manono villagers extracted higher fees from tourist operators for village visitation, and in Lona, a villager was shot to death and his property torched for challenging the village *fono* (PIM, Nov 1993, 17). When his wife, Italia, testified at a subsequent trial hearing, the main reason she gave for their withdrawal from *fono*-controlled activities was that the *fono* had earlier banished the senior *matai* of their *aiga*. Twenty-eight Lona villagers appeared before the Magistrate Court, all pleading guilty for their part in Nu'utai's death (PIM, Dec 1993). But their defense lawyers argued that they acted within their rights, as prescribed by the Village Fono Act. The Act reads like a rushed piece of legislation, in eleven brief sections (4 pages in English and 5 in Samoan); cloaked in Victorian and Christian prudishness, customs, and usages, it was widely criticized as a principal threat to human rights (Maiava 1991, 210).

Another clash between custom and law was played out when an antigovernment demonstration was held on 2 March 1994 against the unpopular goods and services tax. Matters were compounded when the new 10 percent tax and a 15 percent general price order were introduced simultaneously on 1 January 1994, increasing the cost of living by as much as 40 percent. By the end of the first week of 1994, Trade, Commerce and Industry Secre-

tary Tunaimatia Frank Chan Tung had withdrawn the 15 percent price order because of "errors and compounded miscalculations" and lack of communication with the Inland Revenue Department charged with implementing the goods and services tax. Two days later, an amended price order effective from 4 January was issued, amid allegations of inconsistencies between Price Control Board notices and public advertisements (SO, 5 & 7 January 1994). Since January 1994, the price order has been amended and re-issued four times.

Having been visited by cyclones in 1990, 1991, and 1993, Western and American Samoa experienced a cyclone of another kind in 1993. A taro leaf blight decimated the country's million-dollar taro industry (NZ\$4 million annual export and ws\$20 million local). The leaf blight, a relative of the one that caused Ireland's catastrophic potato famine last century, is known to have almost wiped out taro in Papua New Guinea and the Solomon Islands. Spraying programs were having little effect and Agricultural Minister Misa Telefoni Retzlaffe warned that the fungus will be a permanent feature in the country—it can be controlled but not eradicated—and urged growers to seriously reconsider diversifying again. On the plus side, banana shipments to New Zealand wharfs resumed after a visit by Cyclone Lin in 1993 destroyed 90 percent of supplies (ST, 13 Aug 1993).

In the wake of debilitating cyclones, the taro leaf fungus, and dwindling remittances from *aiga* overseas, the opposition Samoa National Develop-

ment Party tried vainly to repeal the goods and services tax bill and accused the Human Rights Protection Party of curtailing debate. The opposition's call for a referendum on the goods and services tax was ignored. Not to be outdone, they rallied behind the indigenous political institutions of *fa'alulega*, namely the leading orator groups of Pule and Tumua which had in the late 1890s successfully resisted colonial rule by Germany and New Zealand. During the constitutional convention of the 1960s, Pule and Tumua failed to gain recognition as a separate entity and their influence was eclipsed by the emergence of a party system in the early 1980s.

Among those who predicted bloodshed and cautioned against marching was Cardinal Pio Taofinu'u, leader of the Roman Catholic Church. But Taofinu'u later contradicted himself and led a Catholic Church-organized march on 1 March that attracted 7,000 and then returned the following day with opposition party leaders at the head of the Pule-Tumua march. Popularly touted by the local press as a people's demonstration, the Pule-Tumua demonstration attracted between 2,000 (police estimate) and 7,000 (march organizer's estimate) of the country's 170,000 population. In a ploy reminiscent of the Mau era, Spokesman and Opposition Leader Tui Atua Tupua Tamasese Efi, claiming a peoples' mandate, called for the abolition of the goods and services tax and for Tofilau to resign. Tofilau rejected Tui Atua's claim as representing Pule and Tumua, and branding the demonstrators as a *fouvalega*—an attempted coup. He reaffirmed the constitution as

the supreme law, with parliamentary procedures as the forum for redressing grievances. In a charged setting, the march leaders conveyed their oral petition to the Head of State through *lauga* 'oratory' and settled themselves outside the new government buildings. One certain demonstrator was Joseph Churchward, designer of the gold medals for recipients of Samoan Orders of Merit in 1993, whose commissioned services remain unpaid by the government (SO, 25 Feb 1994). A hurried meeting of the Executive Council, made up of the Head of State and Cabinet, was called and as a result the goods and services tax legislation was enforced, but several essential goods and services—rice, flour, meat, pharmaceuticals, soap, baby food, and others—were exempted or tariffs reduced. Other exemptions were made on government and corporation services, such as electricity, water supply, boat fares, and airport departure taxes.

At a special session of parliament on 7 March, Tofilau countered the claim that the marchers represented Pule-Tumua by pointing to similar representation in the government. Tofilau claimed with some validity that the Goods and Services Tax Act was first introduced under the Coalition government of Va'ai in 1986, in which Tui Atua was deputy prime minister. Tofilau accused Tui Atua of absenting himself at the time the bill was tabled in late 1992. A vote of confidence in Tofilau was passed with 29 votes, but boycotted by opposition parties. Although the government and the opposition are organized along party lines, the public demonstration seems to have revived indigenous political

institutions under the *fa'alupega* (and *lotu*). Fa'amatuainu Tala Mailei was appointed president of the newly constituted Pule and Tumua association with offers of resources and assistance from Cardinal Taofinu'u and Auckland-based historian Mālama Meleiseā.

Perhaps the most disturbing effect of living under the paradox of dual authority is the toll on young Samoans. For a small country of just 170,000 people, the incidence of suicide is alarming. By mid-April 1994, deaths by suicide for the year numbered 13, compared to 16 for the corresponding period in 1993. On a per capita basis, Western Samoa in 1981 led the world with 79 suicides. The number dropped to the thirties in 1983, largely through the efforts of a Suicide Awareness Association. But ten years later, the numbers are climbing, with 39 for 1992, and 37 for 1993. According to the Health Department, the majority of victims fall in the 14–24-year-old age group, and the most common methods used are paraquat, shooting, and hanging, in that order. Family dispute is the common reason given.

Two recent reports have painted an intensely grim profile of the economy. In May 1994, Financial Secretary Sala Epa Tuioti reported to Finance Minister Tuilaepa Sa'ilele Malielegaoi that Polynesian Airlines' mounting debt totaling ws\$45.2 million was likely to force the country into bankruptcy. Polynesian Airlines is losing approximately ws\$370,000 to \$425,000 a week, including interest costs. The current operating deficit of ws\$7.9 million, plus ws\$37.3 million of existing

nonoperating debt from government loans and government-guaranteed loans, is equivalent to about 26 percent of the total budgeted government receipts for the 1993-94 fiscal year. Sala indicated that Polynesian Airlines is also seeking additional government guarantees of ws\$16.5 million for an existing debt to Air Canada, and ws\$10.9 million for the basic lease cost of the Kuwait 767 aircraft. If granted, the total amount of government guarantees and advances provided over the last thirteen months to Polynesian Airlines will be ws\$48.2 million, nearly half the country's total foreign exchange reserves.

Sala's report indicated that under Ansett, the airline was able to return a profit, but inept management and misplaced notions of regional grandeur led to more debts. "Profits are promised at some elusive future point, but no practical steps are taken to ensure they are achieved." Netzler told the House that Ansett had left Polynesian Airlines with a debt of ws\$13 million in 1992. However, the controller and chief auditor reaffirmed that under Ansett the "loss was nil" from 1987 to 1992 (SO, 15 July 1994). Action of a sort was not long in coming. The *Samoa Observer* reported that Le'aupepe Sanerive Muli'aumaseali'i, a Polynesian Airlines consultant, was promoted to chief executive officer, eclipsing but not replacing General Manager Papali'itele Steve Percival (29 May 1994). Le'aupepe, a former attorney-general, was found guilty in a New Zealand court of professional misconduct over clients' trust accounts at his Auckland law practice (Tuimaleali'ifano 1994, 199). He is barred from

practicing in Western Samoa, but without extradition agreements between Western Samoa and New Zealand, Le'aupepe escapes conviction. By the end of July, Polynesian Airlines Board Chairman and Aviation Minister Jack Netzler had resigned as chairman but will remain as minister.

A long-time confidant of Prime Minister Tofilau, Netzler had earlier resigned the Shipping portfolio in 1992 after he denied a report of mismanagement and fraud by top executives of Western Samoa's Shipping Corporation by Controller and Chief Auditor Su'a Rimoni Ah Chong. Netzler's successor, Misa Telefoni Retzlaffe, a businessman-lawyer and former attorney-general, subsequently confirmed the report. The two executives were dismissed, but Misa refused to lay criminal charges against Fiaola Gustaf Chu Ling, brother of former Lands and Survey Minister Sifuiva Sione, and Hori Ainu'u (SO, 22 Jan 1993).

The latest auditor's report exposed more irregularities and illicit activities in government departments, the Public Works Department in particular. The pressures facing the auditor are painfully clear. When the lawful powers of his office are applied to his inquiries, on numerous occasions, he is presented with the argument, particularly by those affected most adversely by his inquiry, that his investigation is against "Christian principles, customs and usages of *fa'a Samoa*" (SO, 15 July 1994).

In the Customs Department, the controller and chief auditor disclosed that ws\$4.1 million is owed to the government in unpaid duties. There is

serious concern about record-keeping, with records either missing or destroyed through negligence, as well as the release of container goods with neither import entries, duty payments, nor checks of contents against invoices.

The auditor reserved his most scathing remarks for the Public Works Department, where Minister Le'afa Vitale, Director Isikuki Punivalu, and senior officers are alleged to be involved willingly or otherwise in wide-scale fraud, complicity, and nepotism. The auditor documents a racket involving Punivalu, his brother Lilo Peter Punivalu, and Mechanical Plant Engineer Sauliutoga Kupa over government cement and fuel. The officers allegedly either lent, exchanged, or sold bags of government cement and pocketed the proceeds. Cement lost to the government totaled ws\$127,432, while fuel lost totaled ws\$25,283. Other cases include missing building materials for a Public Works Department residence in Salelologa. Damaged by Cyclone Val in December 1991, the rotten and unsafe structure was repaired, against regulations and conventional wisdom, in September–October 1992. Four months later, in February 1993, the building was demolished, but 76 percent of materials remain unaccounted for. At about the same time, departmental employees, including a building superintendent, were deployed by the director and his brother to build their private homes during working hours at government expense.

The most chilling discovery was the unauthorized and unlawful "hire" of

government plants and machinery to a sawmilling timber company run by Harry Cain to pull logs out of village forests. Using Public Works Department plants, logging was conducted in Faleasi'u-uta and Si'umu villages for seven months. Public Works Department Parliamentary Under-Secretary Leota Lu commandeered one of the plants for three days for his private use at Tapatapao. The discovery was made when the auditor ordered an inspection of all Public Works Department plant and machinery in 'Upolu from 10–12 November 1993. He subsequently uncovered a last-minute cover-up attempt by the department's plant pool superintendent, Mati Amerika Lene, and sawmiller Harry Cain, two days after the inspection.

On further investigation, Minister Le'afa instructed that the plants be taken to Si'umu, ostensibly to build a village access road, but they were subsequently diverted to Cain's logging company, New Samoa Industry, for almost seven months, from 1 March until audit inspection. The plants were never reported missing during that period. According to the auditor, the New Samoa company is owned by Vaitele Holdings, with 50 percent shares, and the other 50 percent held by Marutani Company of Japan. Documents filed with the Registrar of Companies revealed that the majority shares of Vaitele Holdings are registered under names of children and relatives of three ministers, Le'afa Vitale (Public Works Department), To'i Aukuso Cain (Post Office), Vui William Wallwork (Labour) and Fa'asalele'aga MP Unasa Mesi, all

Human Rights Protection Party government members. The controller and chief auditor also revealed that without cabinet approval, Minister Le'afa authorized the hire of plants from private companies to work on the Si'umu village road while retaining Public Works Department plants for logging by Vaitele Holdings. In addition to his ministerial vehicle, Le'afa appropriated and deliberately converted a departmental vehicle for personal use (SO, 15 July 1994).

This is just the beginning. Auditing has yet to be completed on the Civil Works section responsible for roads and infrastructure, the largest section. In mid-1993, the Public Works Department awarded a contract worth US\$1.17 million to a Hawai'i-based company for resealing 26 miles of the airport road at US\$45,000 per mile, with the department providing labor, machinery, and materials. The twisted logic of this deal was not lost on the media. While the department could not pay US\$100,000 to repair the machine, it could pay US\$1.17 million. At the rate of US\$45,000 per mile for 26 miles, the machine could have been repaired, the money retained in the local economy, and there would still have been a saving of about US\$1 million. Nepotism reared its ugly head again. The contract was signed by Le'afa and Punivalu, while a company director and Le'afa's brother signed for the Hawai'i company (SO, 9 June 1993). Parliament has agreed to a Commission of Inquiry to scrutinize the 94-page audit report. Already, the question of who should serve as commissioner(s) has diverted attention from the report, Opposition Leader

Tui Atua urging, and Tofilau rejecting, that members be drawn from overseas.

At the National University of Samoa, Bursar Mulitalo Penaia resigned in the middle of 1993, less than five months into the job, after Vice Chancellor Tauialo Lanu Palepoi upheld acting Vice Chancellor Professor 'Aiono Fanaafi Le Tagaloa's decision to open a separate bank account for visiting Hawaiian students instead of depositing funds into the overdrawn existing university account. According to Mulitalo, who has since found work at the Public Trust office, this breached school policy, a claim denied by Vice Chancellor Tauialo Palepoi (SO, 30 July 1994).

Samoa Land Corporation was created in 1990 by Western Samoa Trust Estates Corporation to lease out land, mainly 10-acre blocks for 49 years, as part of government efforts to use idle land and to generate sorely needed revenue for WSTEC. Offers attracted considerable interest from nonresident Samoans as well as local "heavyweights." Contrary to lease provisions that the land must be developed within three months of signing, many holders are alleged to have done little except collect and sell coconuts (ST, 27 July 1993).

Western Samoa's first local chief justice (1983-1986), veteran lawyer Reginald Philips, widely known as Vaovasamanaia Filipo, died in September 1993, aged sixty-nine. The government had recalled him from retirement in Rotorua, New Zealand, to assume the post of ombudsman in 1993 (SO, 15 Sept 1993).

The feats of Manu Samoa in Hong Kong, New Zealand, and Australia

provided convenient diversions from the issues. A holiday for winning the 1993 prestigious Hong Kong Sevens was perhaps justified, but another one (with luncheons at taxpayers' expense) was not, for losing against the All Blacks in their New Zealand tour (SO, 30 July 1993). Another holiday was declared just after Christmas to commemorate Head of State Malietoa's eighty-first birthday (SO, 5 January 1994). Despite good wins from their early matches (including one against Queensland) during their 1994 Australian tour, Manu Samoa's first encounter with the Australian Wallabies proved disastrous. They were annihilated by 73 to 3, with Australia registering the highest score in international test rugby. Another holiday might be needed, not only to mourn Manu Samoa's humiliation, but also to reflect on reports of nepotism and suicide at home.

A society whose young increasingly kill themselves in private cannot be functioning properly. Youth are expected to make their contributions, but they are blocked by increasing restrictions on overseas migration, and the tangled web of *fa'alupega* and *lotu* versus the personal liberties engendered in the constitution. Given the unlikelihood of constitutional changes, Cluny and La'avasa Macpherson have suggested two possibilities:

Youth may adjust their aspirations downwards to levels which are more realistic. . . . Secondly, those who currently control power may accept the need to re-distribute that power and opportunity in ways which accommodate youth's aspirations. (1987, 326)

A. MORGAN TUIMALEALI'IFANO

References

Macpherson, Cluny and La'avasa. 1987. Towards an Explanation of Recent Trends in Suicide in Western Samoa. *Man* (NS) 22: 305-330.

Maiava, Iosepha. 1991. Political Review of Western Samoa. *The Contemporary Pacific* 3(1): 208-211.

PIM, *Pacific Islands Monthly*. Various issues.

Powles, G C, et al. 1975. Report on Matai Titles, Customary Land and the Land and Titles Court, October 1974 to November 1975. December. Apia: Government of Western Samoa.

SO, *Samoa Observer*. Various issues.

ST, *Samoa Times*. Various issues.

Tuimaleali'ifano, A Morgan. 1994. Political Review of Western Samoa. *The Contemporary Pacific* 6(1): 198-200.

Western Samoa Parliament. 1993. *Village Fono Act 1990*. Apia: Government Printer.

———. 1994. Ministerial Statement by the Prime Minister. 7 March. Apia.